



TRAINING BULLETIN

DECEMBER 4, 2018

SUBJECT: UTAH MEDICAL CANNABIS ACT COMPROMISE; H.B. 3001

The compromise language of the Utah Medical Cannabis Act (“the Act”), is now in effect. The special legislative session amended various parts of the language contained in the original version of the Act. Utah Highway Patrol’s enforcement stance will reflect the compromise language of the Act.

WHAT CHANGED FROM PROP 2 TO THE COMPROMISE LANGUAGE:

- Cannabis must now be in medicinal dosage form.
 - Blister packs of 1-gram raw flower, tablets, capsules, concentrated oil, liquid suspension, topical preparation, transdermal preparation, sublingual preparation, resin* and wax*.
- Affirmative defense language for possession and use was removed.
- Use or possession of cannabis is now decriminalized if done in accordance with the Act.
 - Must have: (1) a physician’s “prescription”, (2) cannabis in a medicinal dosage form, and (3) less than 113 grams cannabis or 20 grams THC.
- An affirmative defense was added in the Metabolite Law to address situations where the individual uses the cannabis in compliance with the Act.

WHAT DID NOT CHANGE IN THE COMPROMISE LANGUAGE:

- INVESTIGATION OF IMPAIRED DRIVING INVOLVING THE SUSPECTED USE OF MARIJUANA WILL BE UNCHANGED;
- Individuals may still possess 4 ounces of cannabis or 20 grams THC;
- Individuals may still use and possess vaping devices;
 - Except if done by heating a nail or metal object to vaporize the cannabis.
- Smoking or combustion of cannabis is prohibited;
 - Violation under Title 58 Chapter 37
- Drug paraphernalia used for smoking marijuana is prohibited; and
- Out-of-state citizens or Utah residents of less than 45 days **must** possess a valid medical cannabis identification card or equivalent from another state.

IMPORTANT ITEMS TO CONSIDER:

- If it appears the individual is using or attempting to use or possess the cannabis in a manner that is consistent with the provisions of the Act, the individual should not be further detained, cited, or arrested, without additional articulable suspicion.
- Troopers should not seize lawful amounts of cannabis, cannabinoid oil, or THC if they are in medicinal dosage form as explained above, where no other extenuating circumstances are present.
- Troopers are not in a position to determine whether or not an individual actually has a legitimate qualifying preexisting medical condition. If a physician's "prescription" appears to be legitimate and legible, Troopers are advised to cease further questioning into the individual's medical condition.
- Cannabis may not be in the medicinal dosage form before the state systems are in effect, January 1, 2021. The Training Section will provide additional information concerning acceptable medicinal dosage form and appearance.
- The Utah Highway Patrol's policy regarding drug use/abuse by employees remains in full effect and any cannabis use will be treated in the same way the State treats employee use of opioids and opiates as provided under the Act.
- Troopers are advised to consult their chain of command on questions or concerns regarding the investigation into cannabis.

UTAH MEDICAL CANNABIS ACT:

The Act **ALLOWS** a Utah citizen or resident of more than 45 days to:

- Possess and use cannabis **WITHOUT A MEDICAL CARD** if the individual has a preexisting medical condition and preexisting relationship with physician.
 - Requires a physician's written recommendation ("prescription")
- Possess 113 grams (4 ounces) or less of cannabis in a medicinal dosage form;
- Possess 20 grams or less of THC/Cannabinoid oil in a medicinal dosage form;
- Possess vape devices containing THC/Cannabinoids of 20 grams or less (considered a non-combustible form of ingestion).

The Act **DOES NOT ALLOW** a Utah citizen or resident of more than 45 days to:

- Possess cannabis or THC in **any non-medicinal dosage form**;
 - (Violation of Title 58, Chapter 37)
- Possess **More than** 113 grams (4 ounces) of marijuana in medicinal dosage form;
 - (Infraction if between 4 and 8 ounces)
 - (Violation of Title 58, Chapter 37 if higher than 8 ounces)
- Possess **More than** 20 grams of THC/Cannabinoid oil in medicinal dosage form;
- Possess vape devices of **more than** 20 grams of THC/Cannabinoids;
- Inhaling or vaporizing cannabis by placing it on a nail or metal object heated by flame;
- Smoke or ingest cannabis using a method requiring a flame;
 - (Violation of Title 58, Chapter 37)
- Possess pipes, “bongs”, “joints” or any similar paraphernalia that facilitate consumption of cannabis by manner of combustion or flame; or
 - (Violation of Title 58, Chapter 37)
- Operate a motor vehicle in violation of the DUI or Metabolite Law
 - (Affirmative defense if individual used cannabis in accordance with the Act)

The above rules also apply to out-of-state citizens or Utah residents of **less than 45 days IF** the individual possess a valid medical cannabis identification card or equivalent from another state. **If the individual does not have a valid card or its equivalent** (i.e. prescription or other form of documentation) in their possession, the violation is under Title 58, Chapter 37.

The odor of **BURNT** marijuana is still a valid “plain smell” tool that can be used to establish probable cause because smoking or any ingestion method requiring a flame is illegal. Violation of Title 58, Chapter 37.